PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sharon DUVDEVANI, et al.

Application No.: 10/706,440 Filed: November 12, 2003

Group No.: 2623

Examiner: V.M. Kibler

Examiner: V.M.

For: APPARATUS AND METHODS FOR THE INSPECTION OF OBJECTS

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c))

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in $\S 1.17(p)$."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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X I	deposited with the United States Postal Service in a Box 1450, Alexandria, VA 22313-1450.	an envelope addressed to the Commissioner for Patents, P. O.
	37 C.F.R. 1.8(a)	37 C.F.R. 1.10* (Preferred)
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Date:	November 16, 2004	Signature
		Yulian H. Cohen

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance—page 1 of 3) 6-4

(type or print name of person certifying)

THU

and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

"If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final. Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING:

"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

WARNING:

No extension of time can be had under 37 C.F.R. 1.136(a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

- 1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,

whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is

(check either A or B below)

A. [] a statement as specified in 37 C.F.R. 1.97(e).

OR

B. [x] the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

METHOD OF PAYMENT OF FEE

3.

[x] Attached is a check in the amount of \$ 180.00.

[] Charge Account No	in the amount of \$				
A duplicate of this request is attached.					
If any additional or lesser fees are due, plea	se charge or refund deposit Account 12-0425.				
,					
	SIGNATURE OF PRACTITIONER				
Reg. No. 20302					
	JULIAN H. COHEN				
	(type or print name of practitioner)				
Tel. No.: (212) 708-1887					
	P.O. Address				
Customer No.: 00140					
	c/o Ladas & Parry LLP				
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	New York, N.Y. 10023				



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Sharon DUVDEVANI, et al. In re application of:

Serial No.:

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Filed:

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Examiner:

V.M. Kibler

For: APPARATUS AND METHODS FOR THE INSPECTION OF OBJECTS

Attorney Docket No.: U 014858-1

Commissioner for Patents

P.O. BOX 1450

Alexandria, Va. 22313

Sir:

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached references which were cited in an Office Action in co-pending U.S. Application No. 09/633,756 and 10/706,489 and which are also listed on the attached Form PTO 1449.

Respectfully submitted,

Julian H. Cohen LADĂS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023

REG. NO.: 20302 (212) 708-1887

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. BOX 1450, Alexandria, Va. 22313

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Julian H. Cohen

(Signature of person mailing paper)

(Type or print name of person mailing paper)

Substitute for Form 1449 A & B/PTC	NOV 1 8 2004 2
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INFORMATION	DISCHOSER
STATEMENT B	BY APPLICANT

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Sheet

(use as many sheets as necessary)

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of

Complete if Known **Application Number** 10/706,440 Confirmation Number 8689 Filing Date Nov 12, 2003 First Named Inventor Sharon DUVDEVANI et al. 2623 **Art Unit Examiner Name** KIBLER, Virginia M. **Attorney Docket** U 014858-1 Number

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	Document Number		Publication		
		Number	Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Docume	
		US 6,442,291		Aug 27, 2002	Whitman	
		US 6,487,307		Nov 26, 2002	Hennessey et al.	
		US				
		US				
		US				
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.¹	Foreign Patent Document			Publication	-	
		Country Code ³	Number⁴	Kind Code ⁵ (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translatio n ⁶
							

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translatio n ⁶		
			 		

Examiner	Date	
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.